Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Cellular Priority Access for National Security and Emergency Preparedness Telecommunications	)))	WT Docket No. 96-86

REPLY COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AT&T"), by its attorneys, hereby submits its reply comments on the petition for rulemaking ("Petition") filed by National Communications System ("NCS") requesting the Commission to adopt rules to provide Cellular Priority Access Service ("CPAS").[1/] AT&T supports the Petition but opposes the requests of various commenters to dramatically alter the scope of the Petition to include all 911 calls within CPAS and to make the provision of CPAS by wireless carriers mandatory. While these parties raise important issues, adoption of their proposals would undermine the long-term efforts of numerous government and industry organizations to obtain a nationwide CPAS system as soon as feasible.[2/] Accordingly, AT&T urges the Commission to put out for

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[1/] See Public Notice, Commission Seeks Comment on Petition for Rulemaking Filed by National Communications System, WT Docket No. 96-86, DA 96-604 (April 18, 1996).

[2/] See The President's National Security Telecommunications Advisory Committee, Wireless Services Task Force, Cellular Priority Access Services Subgroup Report at S-1 (September 1995) ("CPAS Subgroup Report") (Task force established the CPAS Subgroup in July 1994 to investigate technical, administrative, and regulatory issues associated with the deployment of a nationwide CPAS capability).

comment NCS's CPAS proposal as set forth in the Petition, and to keep 911 matters on their separate and on-going track.[3/]

I. CPAS Should Not Be Expanded To Include 911 Calls

As explained in the Petition, NCS's CPAS proposal was the result of a broad government/industry consensus prompted by the desire to ensure that disaster response operations were not hindered by cellular congestion during significant emergency situations. For example, during the Oklahoma City bombing in April 1995, the Pittsburgh plane crash in September 1994, the Northridge earthquake in January 1994, and Hurricane Andrew in August 1992, federal, state, and local officials often encountered blocking of their cellular calls and had to redial repeatedly to gain access to the system.[4/] The implementation strategy developed by the CPAS Subgroup thus was intended to deal with communication by and among response personnel during these types of (hopefully infrequent) major disasters.

The proposals of some parties to give priority status to all 911 calls as well as to rescue professionals[5/] would fundamentally alter the nature of the CPAS proposal and would

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[3/] See The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, Notice of Proposed Rulemaking, FCC 96-115 (released April 10, 1996). See also Public Notice, FCC Adopts Rules To Implement Enhanced 911 For Wireless Services, CC Docket No. 94-102, DA 96-604 (June 12, 1996) (announcing adoption of Report and Order and Further Notice of Proposed Rulemaking regarding provision of basic 911 services and implementation of Enhanced 911).

[4/] CPAS Subgroup Report at S-1.

[5/] See Comments of the National Emergency Number Association ("NENA Comments"); Comments of the Association of Public-Safety Communications Officials-International, Inc.; Comments of the Texas Advisory Commission on State Emergency Communications; Comments of the Los Angeles County Sheriff's Department and the County of Los Angeles, Internal Services Department.

prevent CPAS from being rolled-out in an expeditious manner. The NCS Petition, which reflects years of wireless carrier and government cooperation, did not contemplate such an expansion of CPAS and, therefore, substantial modification of technical standards and vendor requirements would be necessary before even the feasibility of 911 priority access could be accurately assessed. For example, AT&T anticipates that incorporating 911 into the CPAS priority levels would require, among other things, new features in the switches and base stations, a revised interface, and a new means of queuing. In addition, because the proponents of 911 access insist that no feature code be required to invoke 911 priority, cellular providers would have to revise the current switch software.[6/] Similarly, only potential 911 users that purchase new IS-136 Rev. A handsets would obtain priority access.[7/] The CPAS queuing method would not function for other callers with older phones.[8/]

Even if it were technically feasible to include 911 calls within CPAS, such a decision would not be in the public interest. CPAS is designed to be used only in major emergencies by personnel who have been specifically trained in its use and who have at their disposal IS-

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[6/] CPAS, as currently envisioned, requires the entering of *FC before the telephone number so that the switch can determine which calls should be queued.

[7/] All analog and currently available digital handsets do not have the capability to access CPAS.

[8/] AT&T agrees with BellSouth and GTE Mobilnet that the Commission should explicitly determine that wireless carriers would not incur liability in connection with their provision of CPAS. Comments of BellSouth at 9-10; Comments of GTE Mobilnet at 5-6 ("GTEM Comments"). Such assurance would encourage wireless operators to provide CPAS voluntarily. If 911 calls were included within CPAS, the Commission would have to explicitly determine that wireless carriers would not be liable for providing priority access to 911 calls placed from IS-136 Rev. A handsets even though the queuing method would not function for 911 callers with older phones.

136 Rev. A handsets. Under CPAS, the national security/emergency preparedness ("NS/EP") users would pay the carriers for use of priority access, a feature of the program that will fund implementation of CPAS and act a governor upon the number of priority calls. It is unclear how millions of users would be properly educated about the CPAS regime. It is unclear how the added costs of including 911 would be recouped. Indeed, it is unclear whether CPAS is even appropriate for the typical 911 caller, who probably would not have the patience to wait in a queue during an emergency or to review the provider's status messages displayed on the phone regarding the availability of CPAS channels.[9/]

Moreover, because of the enormous growth in mobile phone usage over the past decade, 911 operators have found that they are unable to handle the flood of calls reporting the same automobile accident or similar disaster.[10/] More and more motorists also are using the 911 system to ask for directions, weather updates, and traffic information.[11/] Given that public safety agencies are having significant difficulty accommodating this

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[9/] When a channel is unavailable, a CPAS customer will receive a message that he has been placed in a queue. Because this is a "foreign" means of accessing 911, callers would have to be educated about its use.

[10/] See As Mobile Phone Use Grows, "Cellular Samaritans" Clog 911, Washington Post, July 8, 1996, at B1 ("Cellular Samaritans")(copy attached hereto).

[11/] Id. This problem is related in part to the fact that there is no charge for cellular 911 calls.

growing use of 911 systems by mobile callers, it makes little sense to exacerbate the problem by incorporating 911 calls into the CPAS framework at this time.[12/]

II. There is no Basis for Making Provision of CPAS Mandatory

Although the NCS Petition makes clear that the voluntary nature of CPAS is an important feature of the proposal, the National Emergency Number Association ("NENA") argues that provision of the service should not be left to "the seemingly unfettered discretion of cellular carriers who hold radio licenses in the public interest."[13/] NENA implies that wireless operators require direct orders before they will act in the public interest and contends that the failure to give such an order will result in "fragmentation in the use of a national resource for NS/EP purposes."[14/]

Contrary to NENA's suggestion, there is no reason to believe that the provision of CPAS will be hindered if the Commission declines to issue a direct mandate to providers. Indeed, without any FCC prompting, AT&T and numerous other industry representatives have devoted considerable resources and time to the development of CPAS and have

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[12/] It also appears that cellular 911 usage adds significantly to public safety personnel's difficulty in locating available cellular channels for rescue effort coordination during the critical first hours of major emergencies. Id. CPAS was developed to correct this problem and the Commission should not undermine this effort by providing priority access for all 911 calls.

[13/] NENA Comments at 4.

[14/] Id.

participated eagerly in ensuring that the Commission review this matter expeditiously.[15/] In addition, cellular carriers have been, and continue to be, responsive to the needs of NS/EP personnel and volunteer their equipment and services willingly in times of need.[16/] If, without any evidence that the safety agencies' objectives will be thwarted, the Commission "rewards" such industry initiative by making service provision mandatory, it will only hamper future attempts at voluntary cooperation among industry, government, and trade and public interest organization representatives. NENA's proposal is, at best, premature.

In addition, it is unlikely that the CPAS user base could support six or more wireless carriers per market if each carrier was required to provide the service. If the costs of providing CPAS could not be recovered through subscription, the Commission would have to develop and implement a funding mechanism for CPAS. Rather than complicating matters unnecessarily by mandating CPAS, the Commission should first determine whether there is a problem that needs correcting.

As NCS proposes, AT&T also urges the Commission to leave to the discretion of carriers decisions regarding the amount of spectrum to be devoted to CPAS and what charges should be assessed for service provision. While uniform national rules are certainly necessary

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[15/] See Petition at ii (The proposed rules "are the result of a collaborative process involving agencies of Federal, State and local government, service providers, standards organizations, and organizations representing emergency service providers."); Comments of GTE Mobilnet at 1 ("GTEM Comments") ("GTEM has been an active participant in the development of CPAS, participating in the on-going development of both the network standards and air interface to support CPAS.")

[16/] See Comments of the Cellular Telephone Industry Association at 3 ("CTIA Comments").

for technical standards and queuing priorities, carriers must have the flexibility to accommodate CPAS while still reserving spectrum for their general subscribers.[17]

III. The Commission Should Adopt the Priority Rankings Proposed by NCS

The priority levels proposed in the Petition were developed by a diverse constituency of federal, state and local emergency responders, governments, and industry representatives. The levels were selected to best meet the communications' needs of the emergency response community, "particularly during the first 24 to 72 hours following an event."[18] CPAS is not intended to mirror the Telecommunications Service Priority ("TSP") system, which functions largely to restore landline telephone service. Accordingly, the Commission should reject UTC's proposal to conform the CPAS priority levels with those set forth in the TSP rules.[19]

On a related matter, UTC asks the Commission to clarify whether CPAS would provide priority access to an authorized user, as opposed to calls initiated by an authorized user.[20] AT&T does not believe that, as a technical matter, it would currently be feasible to offer CPAS for incoming calls even if the call recipient is an authorized user.

Finally, as proposed by NCS, the Commission should give Priority 1 status to "a limited number of cellular service technicians who are essential to restoring the cellular

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[17] As CTIA points out, cellular providers have consistently shown a commitment to the needs of public safety agencies during emergencies and there is every reason to believe this would continue under CPAS. Id. at 3.

[18] Petition, Appendix B at 10.

[19] Comments of UTC, the Telecommunications Association at 5 ("UTC Comments").

[20] Id. at 4.

networks."[21] CPAS is entirely contingent on the proper functioning of the wireless facilities and quite often emergency personnel request that additional cell cites be installed at disaster scenes to ensure communication.[22]

CONCLUSION

For the foregoing reasons, the Commission should ensure that any CPAS rules it adopts do not provide priority access for 911 calls and do not make the provision of CPAS mandatory.

Respectfully submitted,

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July 16, 1996

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[21] Petition, Appendix B at 10.

[22] Cf. UTC Comments at 5 n.6. See also Cellular Samaritans.

The Washington Post

MONDAY, JULY 8, 1996

As Mobile Phone Use Grows, 'Cellular Samaritans' Clog 911

By Lan Nguyen
Washington Post Staff Writer

When a tanker overturned on the Capital Beltway at the height of evening rush hour last year, spilling 7,000 gallons of gasoline into Lake Accotink, a motorist called police on a cellular phone seconds after the accident, enabling them to respond more quickly than they would have otherwise.

But during that same incident, Fairfax County's 911 center got flooded with dozens of calls from "cellular Samaritans," hampering operators' efforts to deal with other emergencies, and when rescue workers got to the crashed tanker, they couldn't get through to their base for hours because every cellular line was jammed.

The increase in cellular phone use in the Washington area has proved a decidedly mixed blessing for police and fire departments.

Police often tout cellular users as their extra ears and eyes, but 911 operators say multiple cellular calls prevent them from dealing with other incidents and spend critical minutes because operators must ask for a user's location and phone number—information that computers automatically provide for home-based calls.

"It's the fastest [growing] type of phone calls we have," said Michael Fishel, head of Fairfax's Public Safety Communications Center. "They tend to be longer calls, so that affects the speed we can answer all calls."

Cellular phone calls to 911 are rising rapidly in this area and now make up between 8 percent and 15 percent of 911 calls to those jurisdictions that keep statistics, officials said.

Last year, Fairfax logged 63,400 cellular calls, up 18 percent from 1994. Mobile phone calls now make up 10 percent to 15 percent of 911 calls in most Northern Virginia jurisdictions. In Prince George's County, cellular calls represented 8.7 percent of 911 messages this year as of last month, up from 5.7 percent last year. The District and Howard and Montgomery counties do not track emergency cellular calls.

Dispatchers also lose time because they have to reroute calls to the correct 911 stations.

Many cell sites are on county borders, so a call about a Fairfax accident may end up at the 911 center in Prince William or Montgomery.

"With the rapid growth of cellular phones

See CELLULAR, B3, Col. 1

CELLULAR, From B1

in the past several years, I don't think anybody really anticipated how much it would change 911," said Andrew Johnston, a district chief in Montgomery's communications center. "But it has."

The problems have come as the number of cellular phone users is rising by 40 percent a year nationally and in this area, according to the Cellular Telecommunications Industry Association. Roughly 13 percent of Maryland, D.C. and Virginia residents own mobile phones, the association said.

When cellular phones first hit the market in 1985, companies targeted businesspeople. But now carriers are promoting the service heavily as a safety device, often giving people free phones to to get them to subscribe.

Last year, 39 million people had cellular phones, up from 340,000 in 1985, the association said. Half of them own cellular phones for personal use, compared with 30 percent for business, and 88 percent of users cited safety as a reason for buying cellular phones, the association said.

"No one anticipated this kind of growth," said Tim Ayers, an association vice president.

And no one thought there would be so many calls to the 911 system. About 18 million calls now are placed from cellular phones to 911 centers a year nationwide—about 50,000 every day, the association said. That's up from 193,300 cellular calls to 911 for all of 1985.

Cellular phone calls to 911 are free, and more and more motorists are clogging the emergency system with queries for directions, weather updates and traffic information, authorities throughout the area said.

Proposed changes already are underway. Last month, the Federal Communications Commission announced a plan to have cellular companies provide new technology to 911 centers within a year that would tell operators the location of the cell site nearest to a caller who is using a mobile phone. In five years, cellular companies will be required to inform police of the exact location of the call within a one-tenth of a mile and to make it possible for 911 centers to call back if the phone gets disconnected during the conversation, according to the FCC's plan.

Communications officers also are working with cellular carriers nationally to create priority codes that rescue workers could use to get through in emergencies.

Locally, officials are asking wireless phone companies if they can provide mobile cell sites at catastrophes exclusively for rescue workers, said Steve Souder, chairman of a Council of Governments committee studying the issue.

"It's [a] pretty high-priority [issue]," said Souder, who heads Arlington's communications center. "There is such a dependency on cell phones now. They're a wonderful technology, but like everything in life, they have limitations."

In Prince William, 911 call-takers have had to learn the road markers so they can pinpoint the location of motorists who don't know where

The Washington Post

MONDAY, JULY 8, 1996

As Mobile Phones Multiply, Calls From 'Cellular Samaritans' Swamp 911 Centers

they are when they call, said Steve Marzolf, head of Prince William's communications center. "We know where the signs are that say 'Washington, 26 miles.' We can actually work with that," Marzolf said.

The Maryland and Virginia state police participate in the #77 system—for SP or state police—which routes calls to the nearest state police station. Virginia State Police officials estimate that they get 1,000 of the #77 cellular phone calls annually; Maryland doesn't keep statistics on mobile phone calls. Officials in both states said they routinely get flooded with calls reporting traffic accidents and other major incidents.

"We'd rather have too many calls than none," said David Mitchell, superintendent of the Maryland State Police. "One caller doesn't know another caller made the 911 call."

The problem with cellular phones was acute during the Feb. 16 wreck of a Maryland Rail Commuter Service train in Silver Spring, according to Andrew Johnston, the district chief of Montgomery's communications center. Rescue officials at the scene couldn't get through on cellular lines for hours as they tried to coordinate rescue efforts, including opening shelters for accident victims and erecting fences around the trains. Instead, they used police radios to call dispatchers, who then connected them to emergency headquarters.

That delayed vital requests for as much as several minutes each time, Johnston said.

"It tied up the radio frequency so that it crowds the radio channel," Johnston said. "Other messages were delayed. We were pretty much dead in the water for the first hours of the operation."

Industry experts said 911 systems across the country are changing radically because of mobile phone users.

"A revolution is taking place in the country's infrastructures and networks," said Steve Proctor, past president of the Association of Public Safety Communications Officers. "We're changing the technology we use for everyday life. We're used to a wired network where the phones are wired to a network interface. . . . Now everybody wants portability."

CERTIFICATE OF SERVICE

I, Tanya Butler, hereby certify that on this 16th day of July, 1996, I caused copies of the foregoing "Comments of AT&T Wireless Services, Inc." to be sent by first class mail postage prepaid or messenger (*) to the following:

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